

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MARCUS ALLEN, M.D.,

Plaintiff,

v.

Case No.: 2:18-cv-00069-JES-MRM

PROVIDENT LIFE AND
CASUALTY INSURANCE COMPANY
and UNUM GROUP,

Defendants.

ORDER

On March 25, 2022, Plaintiff Dr. Marcus Allen made an oral motion for judgment as a matter of law pursuant to Fed. R. Civ. P. 50(a) (Doc. #239), and filed a written Motion for Judgment As A Matter of Law (Doc. #237) and a Renewed Motion For Judgment As A Matter of Law (Doc. #238), both of which reiterate arguments made orally before the Court during the trial.

Plaintiff argued that defendants Provident Life and Insurance Company and Unum Group (Defendants) did not meet their burden in showing that he was no longer totally disabled (after August 22, 2015) as defined under each individual disability insurance policy. The Court considered Plaintiff's arguments, the evidence in the record, and drew all reasonable inferences in favor of the Defendants without making credibility determinations or weighing the evidence, Cleveland v. Home Shopping Network, Inc., 369 F.3d

1189, 1192-93 (11th Cir. 2004) (citing Reeves v. Sanderson Plumbing Prods., 530 U.S. 133, 148-151 (2000)), and denied Plaintiff's oral motion. (Doc. #239). For the same reasons, the Court denies Plaintiff's written motions.

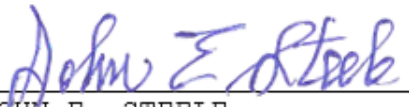
During the trial, Defendants also made an oral motion for judgment as a matter of law under Rule 50(a), arguing that under the terms of each individual insurance policy no reasonable juror could find that Dr. Allen continued to be totally disabled after August 22, 2015. Applying the same principles, the Court denied Defendant's oral motion.

Accordingly,

IT IS NOW ORDERED:

1. Plaintiff's oral Motion For Judgment as a Matter of Law is **DENIED.**
2. Plaintiff's Motion for Judgment as a Matter of Law (Doc. #237) is **DENIED.**
3. Plaintiff's Renewed Motion for Judgment as a Matter of Law (Doc. #238) is **DENIED.**
4. Defendant's oral Motion for Judgment as a Matter of Law is **DENIED.**

DONE and ORDERED at Fort Myers, Florida, this 29th day
of March, 2022.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:
Counsel of Record